REMARKS

Claims 1 to 32 are pending in this application. Claims 1-32 are rejected.

The Rejections of the Claims Under Prior Art

1. Claims 1-8, 10-15, 17-26, 28-30 and 32 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,083,248 ("Thompson").

2. Claims 9, 16, 27 and 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by, or alternatively under 35 U.S.C. § 103 (a) as being obvious over Thompson.

Thompson is directed to a worldwide patient location and telemetry system for implantable medical devices. The Office Action states as follows:

> 4. In regards to claims 1 and 17, Thompson discloses providing at least one sensor for determining a parameter that characterizes cardiac activity (Fig. 6, elements 116 and 118); transmitting the parameter to a server (Fig. 3, elements 12, 14, 20', 32 34 or 50); automatically evaluating the parameter; and generating an alarm signal remotely (col. 16, lines 7-41). Please note that Examiner is interpreting a server as "a computer or computer program which manages access to a centralized resource or service in a network", thus elements 12, 14, 20', 32, and 50 meet the limitations of a server.

As can be seen, the Examiner identified components 12, 14, 20', 32, 34 and 50 to meet the limitation of a server.

Applicant respectfully disagrees with this position taken by the Examiner. The server in the present invention, is a stationary unit to which the sensor, which is connected to the patient, transmits signals which characterize a cardiac activity of a patient. This server is a unit to which the personnel which is involved with the patient's treatment and especially the personnel which received the alarm has access and thus the possibility to retrieve patient related data. The recitation that the server is a stationary unit which stores the data is supported at page 5, lines 17-26 of the originally filed specification.

Independent claims 1 and 17 are amended to recite that from this stationary server the values of the signal characterizing the cardiac activity of a patient and/or patient data can be downloaded or inspected via an Internet browser. This feature allows a plurality of persons which have access to the server to retrieve data related to the patient, such as medications taken, data on prior diseases, etc., in order to ensure an optimal treatment therapy. Support for this recitation can be found on page 7, lines 23-25 of the originally filed specification.

Thus, the present invention is directed to a method and system which makes use or comprises a stationary server which retrievably stores the data received from the sensor. An access to the server is possible for example for medical staff and for example for the patient, so as to retrieve data stored on the server which are necessary for performing an optimum treatment of the patient.

Thompson discloses a unit 20, 20' which is not a stationary unit since it has to be located in immediate proximity to a patient's body (claim 1). Further, unit 20, 20' actively sends the data to a medical support network 50 (col. 16, line 25). There is no disclosure or suggestion that unit

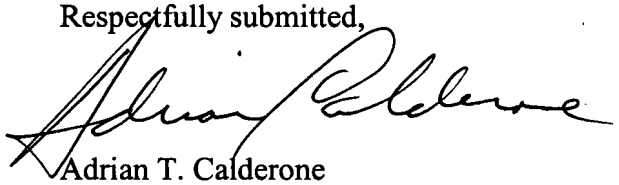
20, 20' is a stationary server which stores data relating to the cardiac activity of a patient and/or other patient related data, which may be retrieved there from via download of Internet browser.

Accordingly, it is respectfully submitted that Thompson neither discloses nor suggests Applicant's invention as claimed. Independent claims 1 and 17 and all claims depending therefrom are submitted to be allowable. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

For at least the reasons stated above all of the pending claims are submitted to be in condition for allowance, the same being respectfully requested.

Respectfully submitted,



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19. (Previously Presented) The device according to Claim 17, wherein the signal transmitter (15) can be activated by a signal generator (14).

20. (Previously Presented) The device according to Claim 17, wherein the device is structured and arranged in the form of a mobile unit for defibrillation and additionally contains a voltage generator, a control unit (9) coupled to a monitoring device including said sensor (12), signal evaluation unit (13) and signal transmitter (15) and at least two electrodes (2, 3).

21. (Previously Presented) The device according to Claim 20, wherein the signal evaluation unit (13) forms part of the control unit (9).

22. (Previously presented) The device according to Claim 20, wherein the signal evaluation unit (13) is spatially separated from the control unit (9).

23. (Previously Presented) The device according to Claim 17, wherein the sensor (12) is arranged adjacent to or spatially separate from the signal evaluation unit (13).

24. (Previously Presented) The device according to Claim 17, wherein the sensor (12) and the signal evaluation unit (13) are connected via a wireless link.

25. (Previously Presented) The device according to Claim 17, wherein a memory is provided for storing values of the at least one parameter that characterizes the cardiac activity of a patient and/or at least one parameter characterizing patient data.

26. (Previously Presented) The device according to Claim 17, wherein the signal transmitter (15) and the signal generator (14) are connected in a wire-bound or wireless fashion.

27. (Previously presented) The device according to Claim 17, additionally comprising motion sensors arranged for acquiring signals determining if and how the patient is moving and which are also sent to the server.

28. (Previously Presented) The device according to Claim 17, wherein the sensor (12) for acquiring at least one signal that characterizes a cardiac activity of a patient comprises defibrillator electrodes.

29. (Previously presented) The device according to Claim 17, wherein the alarm signal additionally contains information on the current location of the patient.

30. (Previously Presented) The method according to Claim 13, wherein the short-range data transmission is Bluetooth and the long-range data transmission is by telephone or mobile radiotelephone.

31. (Previously Presented) The method according to Claim 1, comprising the additional steps of

determining at least one fibrillation parameter with the at least one sensor (12), and

activating a defibrillator on the patient if the alarm signal is generated.

32. (Previously Presented) The device according to Claim 17, additionally comprising at least one of a generator (14) for activating the signal and/or alarm if the limiting value is exceeded and a defibrillator (3-8) on the patient,

with said signal transmitter (18) coupled to at least one of the generator (14) and defibrillator (3-8).